

Appl No.: 10/626,844
Response to Office Action of December 14, 2004

1.FW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Dexter, Shane
Serial No. : 10/626,844
Examiner : Hogan, James Sean
Art Unit : 3752
Filed : July 23, 2003
For : PRESSURE WASHER ASSEMBLY

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AMENDMENT AND RESPONSE TO THE OFFICE ACTION
DATED DECEMBER 14, 2004

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ReNea D. Berggren
ReNea D. Berggren

DATED: March 2, 2005

Adjustment date: 02/02/2006 EEKUBAY1
05/26/2005 ENHRRONS 00000003 194882 10626844
01 FC:2253 510.00 CR

RE/20/2005 24/0000 33012203 194882 10626844
01 FC:2253 510.00 CR

W.F.B.

PATENT
Attorney Docket N° PTG 02-75-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Shane Dexter
Serial N° : 10/626,844
Filed : July 23, 2003
Group Art Unit : 3752
Examiner : Hogan, James Sean
For : PRESSURE WASHER ASSEMBLY

MS 16
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P.O. Box 1450
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REQUEST FOR REFUND

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Renea D. Berggren

DATED: June 22, 2005

1. REFUND REQUEST

This is a request for a refund with respect to a charge to Deposit Account N° 19-4882 taken out on May 26, 2005, for the above identified application, being Serial No. 10/626,844.

A copy of the May, 2005 monthly statement for Deposit Account No. 19-4882 accompanies this request, along with a copy of the last document filed, which was an *Amendment and Response to Office Action* filed on March 2, 2005 (for which the statutory period ended March 14, 2005).

2. FEES CHARGED FOR WHICH REFUND REQUESTED

- ☒ Extension of Term

TOTAL REFUND REQUESTED

\$510.00**3. EXPLANATION OF WHY CONTENTED CHARGE IS IN ERROR**

- A. An *Office Action* was sent out in this matter on November 2, 2004. The Examiner failed to complete the statutory period of reply field. The Examiner was made aware of this error and he in turn sent out a new Office Action dated December 14, 2004. Three months from December 14, 2004 would be March 14, 2005. Therefore, no extension would be needed for the reply filed by our office on March 2, 2005.
- B. Additionally, the \$510.00 charge is a small entity fee for a three month extension. This application is other than small entity, and no extension fee is required for the *Amendment and Response to Office Action* filed by our office on March 2, 2005.

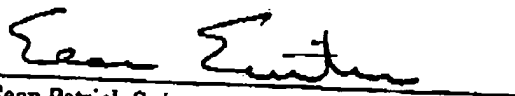
4. MANNER OF REFUND

Please make a refund of \$510.00 by crediting Account N^o 19-4882.

Please direct all correspondence to: **CUSTOMER NO. 23531**
Chad W. Swantz
SUITER • WEST • SWANTZ PC LLO
14301 FNB Parkway, Suite 220
Omaha, NE 68154-5299
(402) 496-0300 (Telephone)
(402) 496-0333 (Telecopier)

DATE: June 22, 2005

Respectfully submitted,
DeVilbiss Air Power Company.

By 
Sean Patrick Suiter
Reg. No. 34,260

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SUITER WEST PC LLO

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page 2 of 2

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402 496 0333 P.07/17

Appl. No.: 10/626,844

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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DATED DECEMBER 14, 2004**

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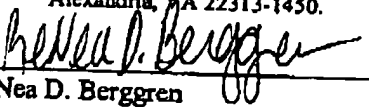
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ReNea D. Berggren

DATED: March 2, 2005

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Appl. No.: 10/626,844

Response to Office Action of December 14, 2004

Dear Sir:

This is in response to the Office Action dated December 14, 2004, for which the three-month shortened statutory period is set to expire on March 14, 2005. While Applicant believes that no extension of time for response is necessary, should the Office determine that any additional fees are necessary for this response, the Commissioner is hereby authorized to charge any deficiencies to Deposit Account No. 19-4882.

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper.

Remarks/Arguments begin on page 8 of this paper.

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Appl. No.: 10/626,844

Response to Office Action of December 14, 2004

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

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1. (currently amended): A pressure washer having a surface cleaner, comprising:
a guide;
a spray nozzle adjustably coupled with the guide for delivering a pressurized fluid stream to a surface;
a wheel rotationally connected to the guide for supporting the guide upon the surface, the wheel having an axis of rotation;
a fluid supply; and
a fluid supply delivery system connecting the spray nozzle to the fluid supply for supplying the pressurized fluid stream to the spray nozzle,
wherein the pressurized fluid stream intersects the axis of rotation of the wheel while a spray nozzle distance from the surface is adjustable.
2. (canceled)
3. (currently amended): The pressure washer of claim ~~[[2]]~~ 1, wherein the guide further comprises a plurality of descriptive markings for indicating a plurality of guide positions.
4. (original): The pressure washer of claim 3, wherein the plurality of descriptive markings comprises a plurality of guide positions for a plurality of surface types.
5. (canceled)

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6. (original): The pressure washer of claim 3, wherein the plurality of descriptive markings comprises a plurality of guide positions for a plurality of horizontal surfaces.

7. (original): The pressure washer of claim 3, wherein the plurality of descriptive markings comprises a plurality of guide positions for a plurality of vertical surfaces.

8. (canceled)

COPY

9. (canceled)

10. (original): The pressure washer of claim 1, wherein the spray nozzle is slidably connected to the guide.

11. (original): The pressure washer of claim 1, further comprising a lance disposed of the guide, the lance connected to the spray nozzle for supplying the pressurized fluid stream to the spray nozzle.

12. (currently amended): The pressure washer of claim 11, wherein the lance is adjustably coupled to the guide.

13. (original): The pressure washer of claim 12, wherein the lance further comprises a plurality of descriptive markings for indicating a plurality of guide positions.

14. (original): The pressure washer of claim 13, wherein the plurality of descriptive markings comprises a plurality of guide positions for a plurality of surface types.

15. (canceled)

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16. (original): The pressure washer of claim 13, wherein the plurality of descriptive markings comprises a plurality of guide positions for a plurality of horizontal surfaces.

17. (original): The pressure washer of claim 13, wherein the plurality of descriptive markings comprises a plurality of guide positions for a plurality of vertical surfaces.

18 - 23. (canceled)

COPY

24. (original): The pressure washer of claim 12, further comprising a set screw threadably connected to the guide for being tightened against the lance for providing plurality of locking positions.

25. (original): The pressure washer of claim 11, wherein the lance is slidably connected to the guide.

26. (original): The pressure washer of claim 1, wherein the wheel comprises a caster.

27. (currently amended): A surface cleaner, comprising:
a guide for adjustably coupling with at least one spray nozzle; and
a wheel rotationally connected to the guide for supporting the guide upon a surface, the wheel having an axis of rotation,
wherein at least one spray nozzle is aligned [[with]] to intersect the axis of rotation of the wheel while a spray nozzle distance from the surface is adjustable.

28. (original): The surface cleaner of claim 27, wherein the guide further comprises a plurality of descriptive markings for indicating a plurality of guide positions.

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29. (original): The surface cleaner of claim 28, wherein the plurality of descriptive markings comprises a plurality of guide positions for a plurality of surface types.

30. (canceled)

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31. (original): The surface cleaner of claim 28, wherein the plurality of descriptive markings comprises a plurality of guide positions for a plurality of horizontal surfaces.

32. (original): The surface cleaner of claim 28, wherein the plurality of descriptive markings comprises a plurality of guide positions for a plurality of vertical surfaces.

33 - 38. (canceled)

39. (original): The surface cleaner of claim 27, further comprising a set screw threadably connected to the guide.

40. (original): The surface cleaner of claim 27, wherein the wheel comprises a caster.

41. (currently amended): A surface cleaner, comprising:
a guide for adjustably coupling with at least one spray lance; and
a wheel rotationally connected to the guide for supporting the guide upon a surface, the wheel having an axis of rotation,
wherein at least one spray lance is aligned [[with]] to intersect the axis of rotation
of the wheel while a spray nozzle distance from the surface is adjustable.

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42. (original): The surface cleaner of claim 41, wherein the guide further comprises a plurality of descriptive markings for indicating a plurality of guide positions.

43. (original): The surface cleaner of claim 42, wherein the plurality of descriptive markings comprises a plurality of guide positions for a plurality of surface types.

44. (canceled)

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45. (original): The surface cleaner of claim 42, wherein the plurality of descriptive markings comprises a plurality of guide positions for a plurality of horizontal surfaces.

46. (original): The surface cleaner of claim 42, wherein the plurality of descriptive markings comprises a plurality of guide positions for a plurality of vertical surfaces.

47 - 52. (canceled)

53. (original): The surface cleaner of claim 41, further comprising a set screw threadably connected to the guide.

54. (original): The surface cleaner of claim 41, wherein the wheel comprises a caster.

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Response to Office Action of December 14, 2004

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REMARKS

The present response is a response to the Office Action of December 14, 2004. A previous Office Action of November 2, 2004 was mailed to Applicant's representative. The Office Action of November 2, 2004 did not include a length of time for response. Per a telephone conversation with the Examiner Hogan to clarify the time for response, Examiner Hogan stated that a new Office Action would be mailed. The new Office Action, the Office Action of December 14, 2004, had different rejections than the Office Action of November 2, 2004. Consequently, the present response only addresses the statements of the Patent Office from the later issued Office Action of December 14, 2004 and respectfully traverses all statements of the Office Action of November 2, 2004.

Claims 1, 3, 4, 6, 7, 10-14, 16, 17, 24-29, 31, 32, 39-43, 45, 46, 53 and 54 are pending. Claims 1, 3, 12, 27, and 41 are currently amended. Claims 2, 5, 8, 9, 15, 18-23, 30, 33-38, 44 and 47-52 have been canceled without prejudice.

Elections

Applicant respectfully traverses the Patent Office's assertion that the invention contains multiple distinct species. However, in an effort to hasten prosecution, Applicant would like to affirm the election made during a telephone conversation on October 18, 2004 regarding a provisional election with traverse to prosecute the invention of Species 1, claims 1, 3, 4, 6, 7, 10-14, 16, 17, 24-29, 31, 32, 39-43, 45, 46, 53 and 54.

Drawings

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The Patent Office objected to the drawings under 37 CFR 1.83(a) for failure to show every feature of the invention specified in the claims.

Applicant respectfully traverses this objection. However, the drawing objections are now moot as a result of cancellation of claims in question.

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Claim Rejections - 35 U.S.C. § 102(b)

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The Patent Office rejected claims 1-2, 10, 21, 24, 26-27, 36 and 39-40 under 35 U.S.C. 102(b) as being anticipated by Serbousek et al., U.S. Patent 3,508,709 (Serbousek).

Applicant respectfully traverses. The present invention relates to a pressure washer assembly with a surface cleaner. The surface cleaner includes a guide, wherein the guide allows for one-handed operation while substantially maintaining a distance from the spray nozzle to the surface. Advantageously, the distance from the spray nozzle to the surface may be adjusted utilizing different guide positions; wherein, secured in a guide position, the distance from the spray nozzle to the surface is substantially maintained while in operation.

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *W.L. Gore & Assocs. v. Garlock*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). Further, "anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim," *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)). Emphasis added.

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Applicant respectfully submits claims 1 and 27 include elements that have not been disclosed by Serbousek. For example, claim 1 recites providing, "a pressurized fluid stream that intersects the axis of rotation of the wheel, while the spray nozzle distance from the surface is adjustable." Similarly, claim 27 recites, "at least one spray nozzle is aligned to intersect the axis of rotation of the wheel while the spray nozzle distance from the surface is adjustable." The Patent Office points to Fig. 2 in Serbousek which it states, "shows an embodiment where, by adjusting the position of the sleeve (35) along the pole (1), the nozzles are lifted to a position centered over the axis of the wheels, thereby creating a scenario in which the spray will intersect the axis." However, this

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configuration is distinguishable from Applicant's configuration, whereas it does not permit the distance from the spray nozzles to the surface to be adjustable while the spray nozzles intersect the axis of rotation of the wheels. In fact, the position noted by the Patent Office employing Serbousek is not ideal because the axle (A), connecting the wheels (31) to the link (33), would interrupt the fluid stream of any sprayer located between the wheels before the stream reached the surface, creating undesirable and inconsistent disbursement of the stream onto the surface.

Consequently, elements of claims 1 and 27 have not been taught, disclosed or suggested by Serbousek. Under *Lindemann*, a *prima facie* case of anticipation has not been established for claims 1 and 27, thus claims 1 and 27 are believed allowable. Claims 10 and 24 are believed allowable due to their dependence upon claim 1. Claim 39 is believed allowable due to its dependence upon claim 27.

Claim Rejections - 35 U.S.C. § 103(a)

The Patent Office rejected claims 3-7, 11-17, 25, 28-32, 41-46, 50 and 53-54 under 35 U.S.C. § 103(a) as being unpatentable over Serbousek et al., U. S. Patent 3,508,709 (Serbousek) and in view of Bresnen, U. S. Patent 4,489,251 (Bresnen).

Applicant respectfully traverses this rejection. Claim 41 is believed allowable for similar rationale as claims 1 and 27, as Bresnen fails to cure the defects of Serbousek as previously described with respect to claims 1 and 27. Claims 3, 4, 6, 7, 11-14, 16, 17, 25, 28-29, 31, 32, 42, 43, 45, 46, 53 and 54 are believed allowable due to their dependence upon an allowable base claim.

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402 496 0333 P.17/17

Appl. No.: 10/626,844

Response to Office Action of December 14, 2004

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CONCLUSION

In light of the forgoing amendments, reconsideration of the claims is hereby requested, and a Notice of Allowance is earnestly solicited.

Dated: March 2, 2005

Respectfully submitted,



Attorney for Applicant

Chad W. Swantz

Reg. No. 46,329

Chad W. Swantz
Suiter West pc llo
14301 FNB Parkway, Suite 220
Omaha, Nebraska 68154
Telephone 402.496.0300
Facsimile 402.496.0333

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SUITER • WEST • SWANTZ PC LLO
14301 FNB Parkway, Suite 220
Omaha, NE 68154-5299
(402) 496-0300 Telephone
(402) 496-0333 Facsimile

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Filed: July 23, 2003
Docket No.: PTG 02-75-2

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